

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 154 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
(No. 1 to 5 NO)

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DHULIYA BROTHERS

THRO' PARTNER

Versus

GUJARAT ELECTRICITY BOARD

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Appearance:

MR SUDHANSHU S PATEL for Petitioner

MR TUSHAR MEHTA for Respondent No. 1

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 01/04/97

ORAL JUDGEMENT

The present Appeal From Order is at the stage of admission. Learned counsel Mr. Sudhanshu Patel for the Appellant has been heard. Learned counsel Mr. Tushar Mehta, who is on a caveat for the Respondents is also heard. Appeal is admitted and is taken for final hearing with the consent of the learned counsels.

The Court below has said that the reconnection should be granted to the appellant/plaintiff who happens to be the Oil Miller, on the payment of an amount of Rs.68,936-90. This order dated March 12, 1997 is in challenge in the present Appeal From Order.

Learned counsel Mr. Patel urges that, due to slack season and financial crunch it would not be possible for the appellant/plaintiff to deposit the said amount at one time and, therefore, some accommodation should be granted to him. According to him, it would be appropriate if the appellant/plaintiff is directed to pay an amount of Rs.25,000-00 initially and on the said payment being made, the respondents could be directed to reconnect the electric supply. I order accordingly. The remaining amount shall have to be paid within a period of four weeks thereafter. If the above said remaining amount is not paid during the said period, it shall be open for the respondents to disconnect the electric supply.

The present appeal succeeds to the above said extent and the same is hereby accordingly allowed, with no order as to cost. Direct service permitted.

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